

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

LEGACY CAPITAL LTD.,

Defendant.

Adv. Pro. No. 10-05286 (SMB)

**DECLARATION OF OREN J. WARSHAVSKY IN SUPPORT  
OF TRUSTEE'S MOTION FOR JUDGMENT ON THE PLEADINGS**

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate of  
Bernard L. Madoff*

I, Oren J. Warshavsky, declare pursuant to 28 U.S.C. § 1746, that the following is true:

1. I am an attorney at the firm of Baker & Hostetler LLP and counsel to Irving H. Picard (“Trustee”), trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff.

2. I submit this Declaration in support of the Trustee’s motion for judgment on the pleadings.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Plea Hearing Transcript of Bernard L. Madoff, dated March 12, 2009.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Plea Hearing Transcript of Frank DiPascali, Jr., dated August 11, 2009.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Plea Hearing Transcript of David Kugel, dated November 21, 2011.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 7, 2016  
New York, New York

s/ Oren J. Warshavsky  
Oren J. Warshavsky